EXECUTIVE
Tuesday
24th March 2015
6.30 p.m.

Burnley.gov.uk
EXECUTIVE
BURNLEY TOWN HALL
24/03/2015 at 6.30 p.m.

This agenda gives notice of items to be considered in private as required by Regulations 5 (4) and (5) of The Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012.

Members are reminded that if they have detailed questions on individual reports, they are advised to contact the report authors in advance of the meeting.

Members of the public may ask a question, make a statement, or present a petition relating to any agenda item or any matter falling within the remit of the committee.

Notice in writing of the subject matter must be given to the Head of Chief Executive’s Office by 5.00pm on the day before the meeting. Forms can be obtained for this purpose from the reception desk at Burnley Town Hall or the Contact Centre, Parker Lane, Burnley. Forms are also available on the Council’s website www.burnley.gov.uk/meetings.

AGENDA

1. **Apologies**

To receive any apologies for absence.

2. **Minutes**

To approve as a correct record the Minutes of the meeting held on 16th February 2015 available at www.burnley.gov.uk

3. **Minutes of Individual Decisions**

To note the following Individual Executive Decisions made since the last meeting;

None.

4. **Additional Items of Business**

To determine whether there are any additional items of business which, by reason of special circumstances, the Chair decides should be considered at the meeting as a matter of urgency.

5. **Declaration of Interest**

To receive any declarations of interest from Members relating to any item on the agenda in accordance with the provisions of the Code of Conduct and/or indicate if
S106 of the Local Government Finance Act 1992 applies to them.

6. **Exclusion of the Public**
   To determine during which items, if any, the public are to be excluded from the meeting.

7. **Public Question Time**
   To consider questions, statements or petitions from Members of the Public.

**PUBLIC ITEMS**

8. **Tobacco Free Burnley Plan**
   To update the existing Plan which identifies Council initiatives to reduce tobacco use and smoking prevalence (report enclosed)

9. **Selective Licensing**
   To consider the extension of selective licensing to various areas (report enclosed)

10. **Vacant Property Initiative – The Empty Homes Programme**
    To consider the next stages of the Vacant Property Initiative relating to the Empty Homes Programme (report enclosed)

11. **Exclusion of the Public**
    To consider the exclusion of the public from the meeting before discussion takes place on the following items of business on the grounds that in view of the nature of the business to be transacted if the public were present there would be a disclosure to them of exempt information within the meaning of Part VA of the Local Government Act 1972.
PRIVATE ITEMS
Details of any representations received by the Executive about why any of the following reports should be considered in public – None

Statement in response to any representations – None

12. **On the Banks – Disposal of Phase 3b Weavers Triangle**

   To consider a report regarding On the Banks Disposal of phase 3b Weavers Triangle (report enclosed)

   This item is private as it contains information relating to the financial or business affairs of any particular person (including the authority holding that information).

13. **Sale of Land at Heasandford**

   To consider the sale of land at Heasandford (report enclosed)

   This item is private as it contains information relating to the financial or business affairs of any particular person (including the authority holding that information).

MEMBERSHIP OF COMMITTEE

Councillor Howard Baker  Councillor Tony Harrison
Councillor Bea Foster     Councillor Shah Hussain
Councillor John Harbour   Councillor Mark Townsend (Chair)

PUBLISHED  16th March 2015
REPORT TO THE EXECUTIVE

DATE 24th March 2015
PORTFOLIO Housing and Environment
REPORT AUTHOR Jill Wolfendale
TEL NO 01282 425011 Ext 3270
EMAIL jwolfendale@burnley.gov.uk

Burnley Tobacco Control Action Plan 2015-2016

PURPOSE

1. To seek approval to extend and update Burnley Tobacco Control Action Plan from April 2015 to March 2016. Appendix 1 to this report

RECOMMENDATION

2. That Executive approves the Tobacco Control Action Plan 2015-2016 and also that the Executive approves that the Council signs up to the Local Government declaration on Tobacco Control. (see paragraph 7 of this report and action 17 on the plan)

REASONS FOR RECOMMENDATION

3. To update and extend the 2011-2014 Action Plan which established a framework for actions to reduce the use of tobacco and tobacco products and the harm it causes in the community. The plan sets out clear achievable, measurable targets that in turn feed into the Tobacco Free Lancashire Strategy and regional Health and Wellbeing Board

SUMMARY OF KEY POINTS

4. A working group was set up in September 2011 to develop and lead a Tobacco Control Action Plan for Burnley. The plans’ over all aim is to improve the health of those living and working in the Borough by impacting on the use of tobacco and tobacco products. The Key Performance Indicators outlined in the action plan would be reported to committee and feed into Public Health network statistics. The plan focuses on the actions that can be taken within the remit of the services already provided by the Council, whilst working alongside East Lancashire PCT, NHS, other public health services and Lancashire Trading Standards.
The Government publication ‘Healthy lives, healthy people: a tobacco control plan for England’ (published March 2011) set out how tobacco control would be delivered in the context of the new public health system. Under the new system introduced in 2013, the government wanted to encourage the development of tobacco partnerships/ and alliances.

In their Plan the government supports comprehensive tobacco control in England across six internationally recognised standards;

- Stopping the promotion of tobacco
- Making tobacco less affordable
- Effective regulation of tobacco products
- Helping tobacco users to quit
- Reducing exposure to second hand smoke; and
- Effective communication for tobacco control

The actions outlined in the Tobacco Control Action Plan for Burnley are categorised around these six standards.

5. Burnley Borough Council has been represented on the Smoke Free East Lancashire Strategy Group since 2008 The group coordinates action on tobacco control across a number of partner agencies across East Lancashire including a broad range of healthcare professionals, schools / colleges, the fire service, trading standards officers, environmental health officers and professionals from local hospitals. Burnley’s action plan corresponds with priorities outlined in Tobacco Control Strategy for Lancashire Delivery Plan 2014-16 and has been endorsed by the EL Group. The Lancashire strategy and delivery plan were endorsed by the Lancashire Health and Wellbeing Board in 2014.

The 2013 statistics in the local tobacco control profiles for Burnley appear to show a significant reduction in smoking prevalence which in 2010 was amongst the highest in England. On average, however smoking attributable deaths in Burnley have remained higher that the National and Regional average. The prevalence of children between the ages of 11-17 years smoking regularly was estimated to above the national average in the period 2009-2012. The Charity Cancer research recently published a report predicting that half a million children in the UK will have their lives cut short by tobacco unless more is done to reduce smoking rates.

6. Local Authorities have a significant role to play in reducing the harms and costs of tobacco use. A coordinated, multi-agency approach is required cutting across a number of service areas and this is an approach that councils are ideally placed to deliver. There has been significant progress both nationally and locally since the introduction of the action plan in 2011. The top 5 successes are listed below:

- June 2012 the Leader of Council wrote to Government in support of plain packaging. May 2015 following massive public support MP’s are set to vote on law to introduce plain packaging in by 2016
- Between 2011 and 2014 Lancashire Trading Standards received 141 complaints about illicit tobacco in Burnley. Inspected 311 retailers and made 95 seizures or test purchases of illicit tobacco and took 37 prosecutions.
- In March 2012 Environmental Health held a no smoking day roadshow in Burnley Town Centre. 150 people were given advice on quitting, Smokefree Homes, illicit tobacco and shisha.
• Between 2011-2014 Environmental Health and Licensing have responded to 14 complaints and have served 7 warning notices in relation to smokefree legislation

• Between 2011 and 2012 Burnley’s Healthy Lifestyles team had 1,330 people access their stop smoking clinic. 665 people had still quit at week 4

7. The Local Government Declaration on Tobacco Control (referred to in item 19 of the Plan) is a statement of a council’s commitment to ensure tobacco control is part of mainstream public health work and commits councils to taking comprehensive action to address the harm from smoking. Since it was launched in May 2013, over 80 councils across the country have signed the Declaration. In August 2014, a sister document to the Declaration, the NHS Statement of Support was launched to allow NHS organisations to show their support for tobacco control.

The Declaration commits councils to:
• Reduce smoking prevalence and health inequalities
• Develop plans with partners and local communities
• Participate in local and regional networks
• Support Government action at national level
• Protect tobacco control work from the commercial and vested interests of the tobacco industry
• Monitor the progress of our plans
• Join the Smokefree Action Coalition

More information on the Declaration can be found at http://www.smokefreeaction.org.uk/declaration/

Other sources of information used are as follows;


Reducing health inequalities through tobacco control: A guide for Councils http://www.idea.gov.uk/idk/aio/25455753

Local Tobacco Control Profiles for England http://www.tobaccoprofiles.info/


---

**FINANCIAL IMPLICATIONS AND BUDGET PROVISION**

8. All actions if agreed will be undertaken using current service delivery resources. Therefore, there are no additional financial implications or any additional budget provision required.
### POLICY IMPLICATIONS

| 9. | Should the plan be agreed this could have implications in relation to feeding into the Health and Wellbeing Board. |

### DETAILS OF CONSULTATION

| 10. | None. |

### BACKGROUND PAPERS

| 11. | None |

### FURTHER INFORMATION

**PLEASE CONTACT:** Jill Wolfendale ext. 3274

**ALSO:**
### Stopping the promotion of tobacco

**Key actions;**

1. **Licensing and environmental health officers to advise relevant businesses of the new legislation during routine visits and report non-compliance to LCC Trading Standards Officers**
   - **Lead/Partners:** John Yardley/Jill Wolfendale/Lancashire County Council(LCC) Trading Standards Department (TSD)/Tobacco Free Lancashire (TFL)
   - **How evaluated (KPI’s):** No of retailers advised/no premises found non-compliant reported to LCC TSD
   - **Timescale:** From April 2015

2. **If necessary submit further response from the Council in support of the proposals**
   - **Lead/Partners:** Corporate H&S/SMT
   - **How evaluated (KPI’s):** Further submission of support for Government
   - **Timescale:** N/K

3. **Council act as exemplar in tobacco control policies**
   - **Lead/Partners:** Jill Wolfendale/John Yardley/Planning
   - **How evaluated (KPI’s):** Regularly review Smoking Policy
   - **Timescale:** Ongoing

4. **Consider encouraging businesses to screen Smoking shelters where they can be viewed by vulnerable groups/buildings e.g. school playgrounds, school bus stops, children centres etc.**
   - **Lead/Partners:** Jill Wolfendale/John Yardley/Planning
   - **How evaluated (KPI’s):** Change in smoking shelter policy
   - **Timescale:** From April 2015

---

**Gov’t Priorities & Key actions**

- **Supporting retailers with information and training to implement the provisions of display provisions in Health Act 2009 for smaller shops from April 2015**
- **Continue to support government proposals to introduce ‘non branded’ plain packaging of tobacco products**
- **Encouraging local areas to consider action to further protect young people from exposure to smoking so they do not see it as a normal behaviour, reducing likelihood of them becoming smokers**
### Making tobacco less affordable

**Key actions:**

- Promote a revised joint working protocol between local authorities, trading standards and HMRC to tackle illicit tobacco
- Promote local action to identify tobacco products, including niche products, on sale to ensure that appropriate duty is paid on these products
- Support the development of evidence-based marketing campaigns by local authorities to reduce illicit tobacco use in their communities

<table>
<thead>
<tr>
<th>No.</th>
<th>Action Description</th>
<th>Responsible Officers</th>
<th>Metrics</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>8.</td>
<td>Licensing and Environmental health officers to gather local intelligence and work with HMRC and trading Standards to seize and prosecute traders in illicit tobacco</td>
<td>John Yardley/Jill Wolfendale/LCC TSD/ TFL/Her Majesty’s Revenue and Customs (HMRC)</td>
<td>No. of illicit tobacco seizures in borough as a result of local intelligence</td>
<td>Ongoing</td>
</tr>
<tr>
<td>9.</td>
<td>Licensing and Environmental health officers and other officers who work with local businesses and in the community to advise and distribute national &amp; local messages about the dangers of illegal trade in tobacco, particularly the messages about protecting children from access to tobacco</td>
<td>John Yardley/Jill Wolfendale/TSD</td>
<td>No of businesses/community organisation where advice been distributed</td>
<td>From April 2016</td>
</tr>
<tr>
<td>10.</td>
<td>Ensure relevant officers within the Council are trained in identification of illicit tobacco</td>
<td>John Yardley/Jill Wolfendale/TSD</td>
<td>No of officers who undertook illicit tobacco training</td>
<td>From April 2015</td>
</tr>
<tr>
<td>11.</td>
<td>Promotion of national no smoking day to include illicit tobacco and shisha – advertise leisure cessation sessions</td>
<td>EH &amp; L/TSD/TFL</td>
<td>No of settings used to promote messages/ sign up to stop smoking services</td>
<td>From April 2015</td>
</tr>
</tbody>
</table>

### Effective regulation of tobacco products

**Key actions:**

- Encourage and support the effective local enforcement of tobacco legislation,

<table>
<thead>
<tr>
<th>No.</th>
<th>Action Description</th>
<th>Responsible Officers</th>
<th>Metrics</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>12.</td>
<td>Continue to take a proportionate approach to enforcement of Smokefree</td>
<td>EH&amp;L/TFL/TSD</td>
<td>Action taken on illegal shisha bars/ non-</td>
<td>Ongoing</td>
</tr>
</tbody>
</table>
particularly on the age of sale of tobacco products

Support the continuing provision of guidance, education and best practice for the local enforcement of tobacco legislation
Consider the evidence for where children's obtain tobacco products and explore what action is needed to tackle main sources

<table>
<thead>
<tr>
<th>Legislation building compliance through provision of advice and information. Only taking formal action where the law is deliberately flouted</th>
<th>EH&amp;L/TFL/DC</th>
<th>compliant shelters/smoking in workplaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>13. Continue to advise businesses on compliance of smoking shelters through planning applications &amp; following requests for service or complaints</td>
<td>Linda Searle/TFL</td>
<td>No of queries responded to</td>
</tr>
<tr>
<td></td>
<td></td>
<td>No of premises advice given to</td>
</tr>
<tr>
<td></td>
<td></td>
<td>No's of warning letters sent</td>
</tr>
<tr>
<td></td>
<td></td>
<td>No of FPN’s issued</td>
</tr>
<tr>
<td>14. increase awareness of current un-licenced status of electronic cigarettes with public. Update public on any changes to national policy</td>
<td>Linda Searle/TFL</td>
<td>No of people accessing services</td>
</tr>
<tr>
<td></td>
<td></td>
<td>No of quits</td>
</tr>
<tr>
<td>15. Continue to encourage quitting during health lifestyles assessments and during promotional events such as MOT and other health events</td>
<td>Linda Searle/TFL</td>
<td>No of community sessions</td>
</tr>
<tr>
<td></td>
<td></td>
<td>No of quits</td>
</tr>
<tr>
<td>16. Continue to provide the stop smoking sessions for council employees and community</td>
<td>Linda Searle/TFL</td>
<td>No of workplace sessions</td>
</tr>
<tr>
<td></td>
<td></td>
<td>No of quits</td>
</tr>
<tr>
<td>17. Actively promote stop smoking services and the benefits of quitting through Council’s communication networks</td>
<td>Linda Searle/TFL</td>
<td>No of BME’s accessing services</td>
</tr>
<tr>
<td></td>
<td></td>
<td>No of quits</td>
</tr>
<tr>
<td></td>
<td></td>
<td>From April 2015</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Dependent on availability of resources</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Dependent on availability of resources</td>
</tr>
<tr>
<td></td>
<td></td>
<td>From April 2015</td>
</tr>
</tbody>
</table>

Helping tobacco users to quit

Key actions;
use marketing communications to motivate tobacco users to think about quitting, and guide them to the most effective support available;
encourage local areas to provide stop smoking services that are tailored to the needs of their communities and reach out to people from high smoking prevalence groups, in particular, people with routine and manual jobs;
support the provision of a greater range of options for smokers who want to quit, based on evidence of clinical effectiveness and value for money;
provide clinical guidance and training standards for local commissioners and providers of local stop smoking services;
work to increase the number of tobacco users who are offered advice about quitting and referral to local stop smoking
Develop new approaches to encourage tobacco users who cannot quit to switch to safer sources of nicotine.

| Reducing exposure to second hand smoke | 18. Council continue to promote media campaigns on Smokefree Homes and Smokefree Cars. Aim to increase sign up to the project both within Council and externally through:  
  - Advocate with elected members  
  - Council website  
  - Staff conferences  
  - Promotional events | No of Council Staff signed up to project | Ongoing |
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>19. Look at encouraging businesses and workplaces to opt for smoking policies preventing smoking at entrances to buildings</td>
<td>No of businesses adopting Smokefree entrances policy</td>
<td>Ongoing</td>
</tr>
</tbody>
</table>
|                                        | 20. Burnley Council to Commit to the Local Government Declaration on tobacco control  
  21. Promote national media campaigns that are tailored to fit needs to Burnley community and the underpins the actions outlined in this plan.  
  For example media campaigns on;  
  - Smokefree Homes | Date to be determined 2015 | From April 2015 |

---

**Services:**

**Reducing exposure to second hand smoke**
Work with national media to raise awareness of the risks in exposing children to secondhand smoke; support local areas to encourage smokers to change their behaviour so that they do not smoke in their homes or family cars;

**Effective communications for tobacco control**
Engage with young people to support them to make healthy lifestyle choices, including not taking up the use of tobacco; continue to educate people about the risks of using tobacco; motivate tobacco users to think about quitting; encourage tobacco users to make quit attempts, and to quit in the most effective
ways; encourage communities to see not smoking as the norm;

explore new roles for marketing communications in reducing young people’s uptake of smoking, communicating the harms from secondhand smoke and in encouraging people to make their homes and family cars smokefree;

- Smoking and Young people
- Healthy lifestyles
- Health effects of Waterpipes

*Priorities and Key Actions are taken from Government White Paper “Healthy Lives, Healthy People: A Tobacco Plan for England – Published 9th March 2011*
Selective licensing – consultation on future proposals

REPORT TO THE EXECUTIVE

DATE 24th March 2015
PORTFOLIO Housing and Environment
REPORT AUTHOR Clare Jackson
TEL NO 01282 477231
EMAIL c.jackson@burnley.gov.uk

PURPOSE

1. To approve the consultation and evidence gathering for the proposal to designate the
   a. Leyland Road Area
   b. Daneshouse Area
   c. Burnley wood with Healey wood Area
   d. Ingham and Lawrence Street Area

2. The proposal document which can be viewed in the Members Room sets out the Council’s
   reasons for proposing to designate the areas for Selective Licensing.

RECOMMENDATION

3. That the proposed selective licensing designation and consultation areas which form parts
   of the Bankhall, Rosehill with Burnley Wood, Trinity, Daneshouse with Stoneyholme and
   Gawthorpe Wards be agreed, (Plans 1 to 4)

4. That delegated authority is given to the Head of Housing and Development Control in
   consultation with the Executive Member for Housing and Environment to approve the fee
   structure and a proposal document ahead of the commencement of the consultation
   period.

REASONS FOR RECOMMENDATION

5. To enable the statutory consultation of residents, landlords and stakeholders to go ahead
   in the proposed areas and that this consultation includes the fee structure.

6. To enable any issues to be addressed and evaluated before presenting the final proposal
   for the selective licensing areas to the Executive Committee.

SUMMARY OF KEY POINTS

Background to Selective Licensing

7. Poor housing management and low standards in the private rented sector can contribute
to the failure of a local housing market. People leave the area, house prices fall, speculative landlords move in, and the local community becomes weaker. Low demand and antisocial behaviour can result in unsettled communities, along with other social and economic problems. These can undermine efforts to regenerate an area.

8. Selective licensing was introduced in the 2004 Housing Act; it focuses on the management of private rented properties in areas in low demand and/or with anti-social behaviour. The key aim of the legislation is to improve landlords’ management of these properties, helping to regenerate the area and ensure that accommodation is managed effectively.

**Results of statistical evidence**

9. In order to determine whether the proposed designation areas were a priority in terms of targeting for the introduction of selective licensing a statistical comparison was undertaken across the borough.

10. Data for a number of key variables including: private rented properties, vacant properties, housing disrepair complaints, environmental crime, and antisocial behaviour were analysed across the Borough at ward level. The wards in which the proposed designation areas are situated rank with some of the highest problems in the Borough on these measures. A further concentrated analysis was undertaken using statistics within the proposed designation areas. This shows that the areas exhibit significant low demand and large and growing private rented sectors with a number of associated problems.

**Consultation for a selective licensing designation**

11. Before a new designation can be approved, the Council must consult for a period of not less than 10 weeks. It is proposed that this consultation process commences on the 6th July 2015 until the 30th September 2015. If the proposals are agreed, a formalised consultation will take place inviting all residents, landlords, businesses and agencies working in the designation area to comment. Council staff will meet with representative groups and individuals to talk through the proposals, as well as attend public and private meetings and produce written information. The results of this consultation will be carefully scrutinised and will feed into the final proposal.

12. It is proposed that the following methods be used to ensure that a full consultation exercise is completed;
   - Posters in the area, local businesses, schools, community centres, health centres, public buildings etc
   - Leaflets to residents, through school bags, placed in local businesses, community centres, health centres, public buildings etc
   - Resident Questionnaire delivered to every household in the area, and blocks adjacent to the area
   - Landlord Questionnaire emailed or posted to every known landlord and agent in the area.
   - Questionnaire to local businesses.
   - Public event for Residents
   - Consultation of the Private Rented Sector Forum
   - Landlord meetings
13. Following the consultation period, it is anticipated that the results will be presented to the Executive in January 2016.

**Staff Resources**

14. To undertake the statutory consultation additional staff will be required. A full time administration post from April 2015 to September 2015 will be required to

* Prepare questionnaires
* Find and input landlord details/property details
* Send out questionnaires
* Input responses from questionnaires
* Provide results for reporting from the questionnaires
* Organising landlord and residents consultation events

15. A full time project officer from July 2015 to September 2015 will be required to

* Prepare the presentation and key information for the landlord and resident events
* Attend the landlord and resident events
* Meet with landlord representative groups such as the National Landlords Association
* Respond to all queries and comments raised during the consultation returns by letter and emails
* Taking telephone enquires during the consultation period

**Proposed Fee structure**

16. The Housing Act 2004 enables local authorities to charge a fee for all functions associated with the administration of a selective licensing scheme.

17. Each application will need to be subject to the fit and proper person criteria, with information being provided to enable the decision making process to take place. The decision to grant or refuse a licence will have to follow the prescribed format as outlined in the Housing Act, with statutory notices and periods for objection.

18. All fees will be calculated based on the staff needed to cover the processing of the estimated number of applications and the monitoring and development of the scheme. Costing estimates for the scheme include salaries and on costs and all anticipated non-salary revenue spend e.g. printing costs, legal fees.

**FINANCIAL IMPLICATIONS AND BUDGET PROVISION**

19. The additional staff required during the statutory consultation period will require a budget of £25,000 which will be met from existing resources identified within the Housing and Development Control revenue budget for 2015/16.

**POLICY IMPLICATIONS**

20. None as the approval is seeking permission to undertake a consultation exercise only.
DETAILS OF CONSULTATION


BACKGROUND PAPERS

22. The proposal document which sets out the Council’s reasons for proposing the Selective Licensing areas in the Leyland Road Area, the Daneshouse Area, the Burnley wood with Healey wood Area and the Ingham and Lawrence Street Area.

FURTHER INFORMATION
PLEASE CONTACT: Clare Jackson 01282 477231
ALSO: Paul Gatrell 01282 425011 Ext 7230
The Empty Homes Programme

REPORT TO THE EXECUTIVE

DATE 24th March 2015
PORTFOLIO Housing and Environment
REPORT AUTHOR John Killion
TEL NO 3188
EMAIL jkillion@burnley.gov.uk

PURPOSE

1. To seek approval to make several Compulsory Purchase Orders (CPOs) for long term vacant properties in the private sector.

2. To seek approval to delegate decisions on which properties to select for assistance in the Selective Licensing Areas to the Head of Housing and Development Control in consultation with the Executive Member for Housing and the Environment.

3. To dispose of the properties in accordance with the Council’s Disposal of Empty Dwellings Policy, lease to Calico for social rent or sell with a Building Licence prior to renovation works being carried out.

RECOMMENDATION

4. That the Executive approve in pursuance of the powers obtained under the Section 17 of the Housing Act 1985 (as amended) to make the following compulsory purchase orders for the purpose of renovation and/or re-sale by the most appropriate method:

The Burnley (Wyndhurst Pendlehurst Street Burnley) Compulsory Purchase Order 2015
The Burnley (3 Camp Street Burnley) Compulsory Purchase Order 2015
The Burnley (93 Rosehill Road Burnley) Compulsory Purchase Order 2015
The Burnley (95 Rosehill Road Burnley) Compulsory Purchase Order 2015
The Burnley (42 Thorn Street Burnley) Compulsory Purchase Order 2015
The Burnley (29 Rosegrove Lane Burnley) Compulsory Purchase Order 2015
The Burnley (21 Burnley Road Burnley) Compulsory Purchase Order 2015
The Burnley (1 Buttermere Road Burnley) Compulsory Purchase Order 2015
The Burnley (3 Canning Street Burnley) Compulsory Purchase Order 2015
The Burnley (33 Murray Street Burnley) Compulsory Purchase Order 2015
The Burnley (26 Cardinal Street Burnley) Compulsory Purchase Order 2015
The Burnley (12 Redvers Street Burnley) Compulsory Purchase Order 2015
The Burnley (31 Ford Street Burnley) Compulsory Purchase Order 2015
The Burnley (23-25 Spenser Street Burnley) Compulsory Purchase Order 2015

5. That the Head of Finance and Property Management be authorised to agree terms for acquisition of the properties, to acquire the properties in this report by agreement as an alternative to compulsory purchase in accordance with the terms of delegation. To re-sell the properties in accordance with the Disposal of Empty Dwellings Policy or arrange for the properties to be leased to Calico for social rent or to sell the properties with a Building Licence prior to renovation.

6. To authorise the Head of People, Law & Regulation to make minor amendments, modifications or deletions to the CPO schedule of interests and map, should this be necessary, and to finalise the making and submission of the CPO, including promoting the Council’s case at public inquiry, if necessary.

7. Subject to confirmation by the Secretary of State to authorise the Head of People and Law to secure full title to and possession of the CPO land as appropriate by:
   a. Serving notice of confirmation of the CPO on all interested parties;
   b. Serving notice of intention to execute a General Vesting Declaration;
   c. Executing the General Vesting Declaration;
   d. Serving Notices to Treat and/or Entry as appropriate;
   e. Acquiring land and interests and by agreement if possible.

8. That the Executive authorises the tendering of any renovation works in accordance with SOC 15 and 16 and delegates power to accept the tender to the Head of Housing and Development Control.

9. That the Executive delegate authority to select properties for assistance in the Selective Licensing Areas to the Head of Housing and Development Control in consultation with the Executive Member for Housing and the Environment.

10. That the Executive approves that the proceeds from the sale of the properties is recycled back in to the Empty Homes Programme for further acquisitions and renovations.

REASONS FOR RECOMMENDATION

11. The owners of these properties have been contacted and have either not responded at all or have given no reasonable proposals for renovating the property or bringing them back into housing use.

12. These properties are long term vacant, being empty for, in some cases, 10 years or more. Without intervention by the Council through acquisition by agreement or CPO the
properties may remain vacant, continue to deteriorate, attract anti-social behaviour, fly-tipping and arson, all of which cause fear and concern in local residents, resulting in a declining neighbourhood.

**SUMMARY OF KEY POINTS**

The council’s Empty Homes Programme currently consists of:

13. The Vacant Property Initiative (VPI) is an established project used to tackle long-term vacant properties. The initiative identifies properties in sustainable areas that have been vacant for a long period of time and which are causing problems for neighbouring properties and local residents.

14. The Clusters of Empty Homes Programme is continuing from the previous year and is working in the Selective Licensing Areas only. The properties identified above are a mixture of VPI and Clusters targets. As the Empty Homes Programme is a rolling programme, further reports to Executive may be made over the course of the year when further properties are identified for CPO.

15. Where contact can be established with owners then we will work with them to reach an agreement for bringing the property back in to use. If agreement cannot be reached satisfactorily, the council reserves the right to use CPO powers as a last resort.

16. If the owners do not come forward to receive their market value compensation, the General Vesting Declaration (GVD) procedure will be followed and payment will be made in to court. This will ensure allocated budgets are defrayed. After a period of 12 years has passed and no owner has come forward to claim payment, the council can request the money back from the Courts.

17. If no contact can be made with the owner, or the owner cannot be traced, it may be deemed prudent not to pay compensation in to the courts. If after a period of six years has elapsed no one has come forward to claim compensation the council can refuse any later claim as per section 9 (1) of the Limitation Act 1980.

18. The Statements of Reasons and maps are available in the Members Room and are not attached to this report.

**FINANCIAL IMPLICATIONS AND BUDGET PROVISION**

19. The budget for the VPI programme for 2015-2016 is £600,000. It is not expected that all the properties listed in this report will be the subject of a CPO during this financial year as properties may be brought back in to use by owners prior to making the CPO or properties may be bought by agreement.
20. The budget for the Clusters Programme for 2015-16 is £1,305,000

21. Throughout this financial year properties will be prioritised from the list above to ensure that the entire budget is spent or committed by year end.

22. Any receipts generated from the sale of properties will be recycled back in to the programme to enable us to purchase and renovate more problem properties.

POLICY IMPLICATIONS

23. Overall, the proposed action will help to achieve the Council’s strategic plan of “People Places and Prosperity”. The acquisition and renovation of the vacant properties will enable the Council to bring them back into use, which will improve the environment for residents in the vicinity of the vacant properties by reducing the potential for crime and anti-social behaviour.

24. In terms of Human rights Act implications, Government advice is that local authorities must strike a fair balance between the demands of the community and the need to protect individual’s fundamental rights. In considering this balance, one of the issues that a court would look for is whether compensation will be payable. The level of compensation is of course negotiable between the Council and the property owner’s Valuer. In addition, individual rights are protected by the statutory objection and inquiry procedure.

25. It is anticipated that the recommendations in this report will have no further policy implications.

DETAILS OF CONSULTATION

26. None.

BACKGROUND PAPERS

27. Maps and Statements of Reason are available in the Members Room

FURTHER INFORMATION
PLEASE CONTACT: John Killion (Project Officer Vacants). 01282 425011 ext 3188.

ALSO: Clare Jackson (Private Sector Housing Manager) 01282 477231